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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,587	09/27/2004	Bogdan Radu	05116 (LC 0171 PUS)	5586

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EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/711,587	RADU ET AL.	
	Examiner	Art Unit	
	Greg Blankenship	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 11, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/27/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/28/06, 9/27/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 20 is objected to because of the following informalities:

Claim 20, line 3, --element—should be added before “selected”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-8, 11, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Heimnick et al. (4,619,478).

Heimnick et al. disclose an adjustable armrest system mounted within an interior of a vehicle, as shown in Figure 1. An armrest housing (14) has an armrest surface (18). Piston elements (44) are coupled to the armrest surface (18). In reference to claims 1 and 6, piston-actuating devices (40) are coupled to the piston elements (44). A controller (62) is coupled to the piston actuating devices (40) to adjust the position of the armrest surface (18). In reference to claim 2, there are two piston elements, as shown in Figure 2. In reference to claim 3, the first piston element (44) and the second piston element (44) stabilize the armrest surface in at least one direction selected from fore, aft, left and right directions. In reference to claim 5, the piston element (44) independently adjusts the tilt of the armrest surface. In reference to claim 7, it is disclosed that pneumatic actuating devices may be used as the piston actuating devices on lines 42-48 of column 4. In reference to claim 8, the pneumatic

actuating device inherently must have a fluid passage port to function as disclosed. In reference to claim 10, the pneumatic device inherently must have a valve between the piston element and the piston-actuating device to function as disclosed. In reference to claim 19, the position of the armrest is adjusted by determining the current position of the armrest surface (18). Then, one determines the desired position of the armrest surface (18). The position of the armrest surface is adjusted in response to the current position and the desired position by actuating at least one piston element (44) and linearly translating the armrest surface (18) stabilizing element, the other element (44). In reference to claim 20, when using a pneumatic actuating device, it is inherent that a fluid flows in the direction relative to the piston element selected from a piston fill direction and a piston evacuate direction.

4. Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramanujam (5,967,594).

Ramanujam discloses an adjustable armrest system for a vehicle comprising at least one armrest housing (28) mounted within the vehicle and having an armrest surface (32,34). A fluid cell (60) has a plurality of internal chambers (62) coupled to the armrest surface, as disclosed on lines 24-25 of column 3. A plurality of stabilizing members (40) are coupled to the at least one armrest surface (32,34). A pump (70) is coupled to the plurality of chambers (62). A controller is coupled to the pump to adjust the attitude and position of the at least one armrest surface (32,34), as disclosed on lines 55-62 of column 3. In reference to claim 17, an armrest sensor generates a signal that is used by the controller to adjust the position of the armrest surface in response to the signal. In response to claim 18, the stabilizing members (40) comprise a first stabilizer on one side of the fluid cell (60) and a second stabilizer on a different side of the fluid cell, as shown in Figure 3.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heimnick et al. (4,619,478).

Heimnick et al. do not disclose a third piston element.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a third piston element to the adjustable armrest system of Heimnick et al. as an obvious duplication of parts to provide a redundant back-up.

7. Claims 9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heimnick et al. (4,619,478) in view of Poertzgen et al. (5,154,264)

Heimnick et al. do not disclose the ports and valves.

Poertzgen et al. teach a pneumatic actuator that has two ports (8,20) allow for extension and retraction of the piston element (5,26). Valve (7) acts as both the supply valve and the evacuate valve to allow fluid to pass from one chamber (10) to another chamber (11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the pneumatic actuator of Heimnick et al, with a pneumatic actuator taught by Poertzgen et al. to provide a reliable actuator that provides both extension and retraction of the piston element.

Art Unit: 3612

Allowable Subject Matter

8. Claims 11, 14, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gab
September 26, 2006



9/28/06

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